

AGENCY USE ONLY

Agency Reference #:
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JOINT AQUATIC RESOURCES PERMIT APPLICATION FORM (JARPA)

(for use in Washington State)

PLEASE TYPE ONLY IN WHITE FIELDS



- ☐ Application for a Fish Habitat Enhancement Project per requirements of RCW 77.55.290. You must submit a copy of this completed JARPA application form and the (Fish Habitat Enhancement JARPA Addition) to your local Government Planning Department and Washington Department of Fish & Wildlife Area Habitat Biologist on the same day.

NOTE: LOCAL GOVERNMENTS – You must submit any comments on these projects to WDFW within 15 working days.

Based on the instructions provided, I am sending copies of this application to the following: *(check all that apply)*

- ☐ Local Government for shoreline: ☐ Substantial Development ☐ Conditional Use ☐ Variance ☐ Exemption ☐ Revision
☐ Floodplain Management ☐ Critical Areas Ordinance
- ☒ Washington Department of Fish and Wildlife for HPA (Submit 3 copies to WDFW Region)
- ☒ Washington Department of Ecology for 401 Water Quality Certification (to Regional Office-Federal Permit Unit)
- ☐ Washington Department of Natural Resources for Aquatic Resources Use Authorization Notification
- ☒ Corps of Engineers for: ☒ Section 404 ☐ Section 10 permit
- ☐ Coast Guard for: ☐ General Bridge Act Permit ☐ Private Aids to Navigation (for non-bridge projects)
- ☒ For Department of Transportation projects only: This project will be designed to meet conditions of the most current Ecology/Department of Transportation Water Quality Implementing Agreement

PROJECT TITLE:

SR 20/FREDONIA TO SR 5

PROJECT DESCRIPTION

Widen State Route (SR) 20 from SR 536 to Interstate 5 to a four-lane, divided, highway; improve the ramp configurations at the SR 20 / SR 536 interchange; and improve the ramp configurations and install signalization at the SR 20/Interstate 5 interchange.

SECTION A - Use for all permits covered by this application. Be sure to ALSO complete Section C (Signature Block) for all permit applications.

1. APPLICANT

Washington State Department
of Transportation
Attn: Benjamin Brown
PO Box 330310
Mail Stop NB-0138
Seattle, WA 98133-9710
Org: Washington State
Department of Transportation
BrownBe@WSDOT.WA.GOV
Work Phone: 206-440-4528
Fax: 206-440-4805

If an agent is acting for the applicant during the permit process, complete #2. Be sure agent signs Section C (Signature Block) for all permit applications

help 2. AUTHORIZED AGENT

Washington State Department of
Transportation
Attn: Christopher Runner
PO Box 330310 MS-138
Seattle, WA 98113-9710
runnerc@wsdot.wa.gov
Org: WSDOT
Tel: 206-440-4526
Fax: 206-440-4805

help 3. Relationship of applicant to property: See Individual Applicant Information

help 4. Name, address and phone number of property owner(s) if other than applicant:

help 5. Location (street address, including city, county and zip code, where proposed activity exists or will occur)

This project is located on State Route 20 in central Skagit County, starting at milepost 54.74 at the intersection of SR 536 and SR 20 at Fredonia, and extending through the SR 20/I-5 interchange to milepost 59.75 in Burlington.

help Local government with jurisdiction (city or county) **Skagit County and the city of Burlington**

help Waterbody you are working in	Wetlands, Indian and Higgins sloughs, and several "Talent" ditches.	help Tributary of Padilla Bay and Gages Slough	help WRIA #03 Lower Skagit
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help Is this waterbody on the 303(d) List** ☐ YES ☒ NO
If YES, what parameter(s)?

help Shoreline designation None

help Zoning designation State Highway right of way

¼ Section	Section	Township	Range	Government Lot
		T34N	R3&4E	

help DNR stream type
(if known)

help Latitude and Longitude: 48° 27' 122° 25'

Tax Parcel Number N/A

help 6. Describe the current use of the property, and structures existing on the property. Have you completed any portion of the proposed activity on this property? ☐ YES ☒ NO

For any portion of the proposed activity already completed on this property, indicate month and year of completion.

Most of the project area is state highway right of way, and city and county roads. There are also areas of agricultural, commercial and residential uses.

help Is the property agricultural land? ☐ YES ☒ NO **help** Are you a USDA program participant? ☐ YES ☒ NO

help 7a. Describe the proposed work that needs aquatic permits: Complete plans and specifications should be provided for all work waterward of the ordinary high water mark or line, including types of equipment to be used. If applying for a shoreline permit, describe all work within and beyond 200 feet of the ordinary high water mark. If you have provided attached materials to describe your project, you still must summarize the proposed work here. Attach a separate sheet if additional space is needed.

The project will add two new lanes south of the existing State Route (SR) 20 roadway for eastbound traffic. The existing SR 20 roadway will be rehabilitated and used for westbound traffic. A 32-foot wide grass median and four foot paved shoulders will separate eastbound and westbound SR 20 traffic from the SR 536 intersection to Pulver Rd. From Pulver Road eastward into Burlington, a paved median will be 9-feet wide with a mountable curb down the center. The

northbound off ramp from I-5 to SR 20 will be widened to two lanes, and a second left turn lane will be added at the end of the ramp. A new signalized intersection will be built on SR 20 approximately 800 feet west of Nevitt Road in conjunction with new connector roads to the north and south. The new connector road to the north will provide access to Peterson Road, and Peterson Road will end in a cul-de-sac where it is currently connected to SR 20. The new connector road to the south will provide access to the reconstructed southbound on and off ramps with I-5, which will include two new bridges over Goldenrod Road. A right-hand turn pocket will be constructed in conjunction with modifications to the existing traffic signal at Goldenrod Road, which will serve local traffic. Turn pockets and traffic signals will be installed at the Pulver Road and Higgins-Airport Road intersections, allowing allow u-turns. Turn pockets will also be constructed in conjunction with modifications to the existing signals at Avon-Allen Road. The existing intersection and signalization at SR 536 and SR 20 will be modified, and an acceleration lane will be built to allow safe merging for westbound traffic turning onto SR 20 from SR 536. The existing Bradshaw Road connection to SR 20 from the south will end in a cul-de-sac.

New bridges to carry eastbound SR 20 traffic would be built at four of the five crossings over Indian Slough. At the fifth crossing, an existing 7' x 3' box culvert passing Indian Slough under SR 20 would be extended by 81 feet, and an additional 40 feet of Indian Slough would be realigned at that location. The existing SR 20 bridge over Indian Slough near the intersection with SR 536 would be replaced. All five of these new bridges over Indian Slough would be pre-cast girder construction supported by piers located outside of the ordinary high water mark. One of these new bridges would require a realignment of approximately 570 feet of Indian Slough. Approximately 340 feet of Higgins Slough would be realigned in the vicinity of the SR 20/SR 536 intersection, and the existing bridge passing Higgins Slough under SR 536 would be replaced with a 60 inch culvert under both of the east and westbound lanes of SR 536.

About 92 percent of the project's unavoidable impacts to aquatic resources are from new roadway fill. Approximately 8 percent of the project's unavoidable impacts to aquatic resources are from excavation required for drainage. Part 7c provides the details of these impacts.

The WSDOT contractor will use mechanized equipment to complete the work.

PREPARATION OF DRAWINGS: See sample drawings and guidance for completing the drawings. **ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED.** NOTE: Applicants are encouraged to submit photographs of the project site, but these DO NOT substitute for drawings. **THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2 X 11 INCH SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES.**

help 7b. Describe the purpose of the proposed work and why you want or need to perform it at the site. Please explain any specific needs that have influenced the design.

The purpose of the project is to enhance motorist safety, provide increased capacity and improve traffic flow along SR 20 between the junction with SR 536 at Fredonia and the interchange with Interstate 5 in Burlington, Skagit County, Washington. For a full discussion of specific needs that influenced the design, please see the 404(b)(1) document and the NEPA/404 Alternatives Analysis (May, 1995).

help 7c. Describe the potential impacts to characteristic uses of the water body. These uses may include fish and aquatic life, water quality, water supply, recreation and aesthetics. Identify proposed actions to avoid, minimize, and mitigate detrimental impacts and provide proper protection of fish and aquatic life. Identify which guidance documents you have used. Attach a separate sheet if additional space is needed.

POTENTIAL IMPACTS TO CHARACTERISTIC USES OF THE WATER BODY:

0.01 acres of ditch UT16A will be filled, and 0.01 acres of both ditch UT 17A and ditch UT 17B will be regraded in place.

6.28 acres of wetland will be permanently impacted by roadway fill and excavation.

Higgins sloughs will be relocated at one location, and Indian Slough will be relocated at two locations.

The following table summarizes aquatic resource impacts for the project.

Table 1. Wetland Characteristics and Impacts to the Project Corridor Wetlands.

Wetland	Class/Category			Size (ac)	Buffer Width (ft)	Impact (AC)											
						Wetland	Buffer	USFWS			Hydrogeomorphic						
	PEM	PSS	PFO					FLAT	Riverine Flow-Through		Depressional						
									Fill	Shade	Outflow	Closed					
	Hydrogeomorphic*	USFWS ⁵	Ecology (2004) ⁶			Fill	Shade		Fill	Shade	Fill	Fill	Fill	Fill	Shade	Fill	Fill
1	Riverine Flow through	PEM ¹	IV	1.00	25	0.03	0.01	0.16	0.03	0.01	0	0	0	0.03	0.01	0	0
2	Riverine Flow through	PEM	IV	0.60	25	0.15	0	0	0.15	0	0	0	0	0.15	0	0	0
3/5	Riverine Flow through	PEM	IV	5.00	25	0.006	0.01/0.03	0.35	0.006	0.01/0.03	0	0	0	0.006	0.01/0.03	0	0
4	Flat	PEM	IV	80	25	0.32	0	0.18	0.32	0	0	0	0.32	0	0	0	0
4N	Riverine Flow through	PEM	IV	1.00	25	0.46	0	0.04	0	0	0.40	0	0	0	0	0	0
6	Flat	PEM	IV	7.20	25	0.64	0	0.39	0.64	0	0	0	0.64	0	0	0	0
7	Flat	PEM	IV	140	25	4.03	0	0.47	4.03	0	0	0	4.03	0	0	0	0
7N	Depressional Closed	PEM	IV	0.20	25	0.20	0	0.00	0.2	0	0	0	0	0	0	0.2	0
A	Depressional Closed	PEM	IV	0.10	25	0.10	0	0.00	0.1	0	0	0	0	0	0	0.1	0
8	Depressional Outflow	PFO/PEM	III	1.90	30	0.05	0	0.40	0	0	0	0.05	0	0	0	0	0.05
9	Depressional Closed	PFO/PEM	III	0.37	30	0.10	0	0.30	0.10	0	0	0.03	0	0	0	0	0.10
B	Depressional Closed	PEM	IV	0.19	25	0.19	0	0	0.19	0	0	0	0	0	0	0	0.19
C	Depressional Closed	PEM	IV	0.01	25	0.01	0	0	0.01	0	0	0	0	0	0	0	0.01
Total						6.28	0.05	2.20									

1. USFWS 1999 OIR-TERRACE 10.

2. Palustrine Emergent

3. Palustrine Forested

4. Palustrine Open Water

5. USFWS classification of wetland vegetation is based on four classes: palustrine forested (PFO), palustrine scrub-shrub (PSS), palustrine emergent (PEM), palustrine open water (POW).

6. Ecology 1993, Wetland Rating System, Publication 93-74; Ecology 2004, Wetland Rating System

PROPOSED ACTIONS TO AVOID, MINIMIZE, AND MITIGATE DETRIMENTAL IMPACTS, AND PROVIDE PROPER PROTECTION OF FISH AND AQUATIC LIFE:

Wetlands impacts were minimized by narrowing of proposed ditch cross sections, narrowing of the median and the steepening of side slopes, please see the enclosed 404(b)(1) report for an alternative analysis. A Temporary Erosion and Sediment Control Plan and a Spill Prevention, Containment & Control Plan will be implemented. Project construction will be in compliance with the Implementing Agreement with Ecology for in water work, and the provisions of all applicable permits. Stormwater treatment will be in compliance with the Highway Runoff Manual (WSDOT, 2004), water quality facilities will be constructed with a capacity of 232% of the new impervious surface.

Wetland mitigation plans for this project are currently being developed for a site in the NE quadrant of the intersection of Gages Slough and West McCorquedale Road.

SR 20 Fredonia Wetland Mitigation Site Design

Impacts

Wetland Impacts

Communities = PFO 015 acre
 PEM/PSS 6.13 acre
 Total Area= 6.28 acres

Mitigation Site and Goals

The wetland mitigation site is located on a ~15 acre parcel along West McCorquedale Road in the vicinity of the City of Burlington in Skagit County. The proposed site is adjacent to Gages Slough, a managed waterway running through the City of Burlington along the periphery of the proposed mitigation site, continuing out to the Skagit River (via a pumping station). Gages Slough is a highly polluted waterway, supporting both desirable native plants and invasive species. Most of the property is currently in agricultural usage. There is evidence that additional portions of the property adjacent to the Slough were formerly wetland, and soils data (pending) will assist in determining historic wetland location.

The mitigation design will enhance, restore and create wetland functions on the McCorquedale Rd/ Gages Slough site. In consideration of project impacts and site opportunities, the design will emphasize the restoration of water quality functions by connecting wetland emergent and scrub-shrub communities into Gages Slough. Additionally, a minimum of .5 acres of PFO community will be restored on the proposed site.

Mitigation Design and Explanation

All mitigation site design alternatives will seek to minimize invasive plant recruitment and re-establishment by implementing optimal water regimes/elevations and by planting denser competitive vegetation along those areas currently occupied by invasive vegetation. All design alternatives will include buffer plantings between the mitigation area and adjacent land uses on the eastern and southern borders. Further, all designs will employ plant species mixes determined from local reference communities.

Several site design concepts are being explored to best meet these goals while working with inherent site opportunities and constraints. One site design alternative would tie proposed emergent zones into Gages Slough on the southern end of the property, creating a backwater wetland zone in the property interior. This wetland area would be graded to allow for approximately 30% of the area to be comprised of emergent communities, with the remaining ~60% designed for palustrine scrub-shrub and a ~10% palustrine forested component. A second design being considered for the site would allow for through-channel/s connecting to Gages Slough, with the emergent communities being connected at the northern and southern edges of the property. Similar community ratios would be considered for this design alternative. Design alternatives await the following: assessment of hydraulic data from City of Burlington Gages Slough gage monitoring, mitigation site piezometer data from winter 2005-spring 2006, site soil boring data, plant community reference site collection.

GUIDANCE DOCUMENTS USED:

Wetlands were delineated using the Routine Determination Method outlined in the Washington State Wetland Identification and Delineation Manual (Ecology 1997) and U.S. Army Corps of Engineers Wetland Delineation Manual (Environmental Laboratory 1987). Wetlands were classified according to the U.S. Fish and Wildlife Service (USFWS) classification system (Cowardin et al. 1979) and rated using the Washington State Department of Ecology four-tier wetland rating system (Hruby 2004). Wetland functions were evaluated using the Wetland Functions Characterizations Tool for Linear Projects Manual (WSDOT 2000).

help 7d. For in water construction work, will your project be in compliance with the State of Washington water quality standards for turbidity WAC 173.201A-110? ☒ YES ☐ NO (See USEFUL DEFINITIONS AND INSTRUCTIONS)

help 8. Will the project be constructed in stages? ☒ YES ☐ NO

Proposed starting date: Spring 2007

Estimated duration of activity: 42 months

help 9. Check if any temporary or permanent structures will be placed:

☒ Waterward of the ordinary high water mark or line for fresh or tidal waters AND/OR

☐ Waterward of the mean higher high water for tidal waters?

help 10. Will fill material (rock, fill, bulkhead, or other material) be placed:

☒ Waterward of the ordinary high water mark or line for fresh waters?

If YES, VOLUME (cubic yards) see drawings / AREA see drawings (acres)

☐ Waterward of the mean higher high water for tidal waters?

If YES, VOLUME (cubic yards) / AREA (acres)

help 11. Will material be placed in wetlands? ☒ YES ☐ NO

If YES:

help A. Impacted area in acres: **5.75 acres of fill in wetlands** (there are 0.53 acres of impact from excavation for a total of 6.28 acres impact)

help B. Has a delineation been completed? If YES, please submit with application. ☒ YES ☐ NO

help C. Has a wetland report been prepared? If YES, please submit with application ☒ YES ☐ NO

help D. Type and composition of fill material (e.g., sand, etc.) Select borrow or gravel backfill for walls.

help E. Material source: State approved pit site.

help F. List all soil series (type of soil) located at the project site, and indicate if they are on the county's list of hydric soils. Soils information can be obtained from the natural Resources Conservation Service (NRCS).

Within the project area, the predominant soil type is Skagit-Sumas-Field: very deep, poorly drained and moderately well drained, level to nearly level soils found on flood plains and deltas (USDA 1989).

help G. WILL PROPOSED ACTIVITY CAUSE FLOODING OR DRAINING OF WETLANDS? ☐ YES ☒ NO

If YES, IMPACTED AREA IS ACRES OF DRAINED WETLANDS.

NOTE: If your project will impact greater than 1/2 of an acre of wetland, submit a mitigation plan to the Corps and Ecology for approval along with the JARPA form.

NOTE: A 401 water quality certification will be required from Ecology in addition to an approved mitigation plan if your project impacts wetlands that are: a) greater than 1/2 acre in size, or b) tidal wetlands or wetlands adjacent to tidal water. Please submit the JARPA form and mitigation plan to Ecology for an individual 401 certification if a) or b) applies.

help 12. Stormwater Compliance for Nationwide Permits Only: This project is (or will be) designed to meet ecology's most current stormwater manual, or an Ecology approved local stormwater manual. ☒ YES ☐ NO

If YES – Which manual will your project be designed to meet? 2004 Highway Runoff Manual.

help If NO – For clean water act Section 401 and 404 permits only – Please submit to Ecology for approval, along with this JARPA application, documentation that demonstrates the stormwater runoff from your project or activity will comply with the water quality standards, WAC 173.201(A)

help 13. Will excavation or dredging be required in water or wetlands? ☒ YES ☐ NO

If YES:

A. Volume: 500 (cubic yards) Area 0.53 (acre)

B. Composition of material to be removed: varies

C. Disposal site for excavated material: State approved site

D. Method of dredging:

help 14. Has the State Environmental Policy Act (SEPA) been completed ☐ YES ☒ NO

SEPA Lead Agency: Washington State Department of Transportation

SEPA Decision: DNS, MDNS, EIS, Adoption, Exemption Adoption

Decision Date (end of comment period) **December 2005**

SUBMIT A COPY OF YOUR SEPA DECISION LETTER TO WDFW AS REQUIRED FOR A COMPLETE APPLICATION

help 15. List other Applications, approvals or certifications from other federal, state or local agencies for any structures, construction discharges or other activities described in the application (i.e. preliminary plat approval, health district approval, building permit, SEPA review, federal energy regulatory commission license (FERC), Forest practices application, etc.). Also, indicate whether work has been completed and indicate all existing work on drawings. NOTE: For use with Corps Nationwide Permits, identify whether your project has or will need an NPDES permit for discharging wastewater and/or stormwater.

TYPE OF APPROVAL	ISSUING AGENCY	IDENTIFICATION NO.	DATE OF APPLICATION	DATE APPROVED	COMPLETED?
NEPA EA	FHWA		7/21/2005	Est. 12/2005	
Section 404 Individual Permit	Corps of Engineers		12/14/2005		
Floodplain permit	Skagit County		7/25/2005		Yes
Section 401 Water Quality Cert	Ecology		12/14/2005		
Hydraulic Project Approval	WDFW		12/14/2005		
Construction Stormwater NPDES	Ecology				
Noise Variances	Skagit Co. & Burlington				
Critical Area Ordinance	Skagit County				

help 16. Has any agency denied approval for the activity you're applying for or for any activity directly related to the activity described herein?

☐ YES ☒ NO

If YES, explain:

SECTION B - Use for Shoreline and Corps of Engineers permits only:

help 17a. Total cost of project. This means the fair market value of the project, including materials, labor, machine rentals, etc.

\$53 Million

help 17b. If a project or any portion of a project receives funding from a federal agency, that agency is responsible for ESA consultation. Please indicate if you will receive federal funds and what federal agency is providing those funds. See instructions for information on ESA.*
FEDERAL FUNDING ☒ YES ☐ NO If YES, please list the federal agency. **Federal Highway Administration**



help 18. Local government with jurisdiction: **Skagit County and the city of Burlington**

help 19. For Corps, Coast Guard and DNR permits, provide names, addresses and telephone numbers of adjoining property owners, lessees, etc. **Please note:** Shoreline Management Compliance may require additional notice – consult your local government.

NAME	ADDRESS	PHONE NUMBER
See Attached List		

SECTION C - This section MUST be completed for any permit covered by this application

help 20. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work **ONLY** after all necessary permits have been received..

 SIGNATURE OF APPLICANT	DATE 12/13/05
 SIGNATURE OF AUTHORIZED AGENT	DATE 12/13/05

I HEREBY DESIGNATE _____ TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED, I MUST SIGN THE PERMIT.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR)

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED.

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.